IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital: the 15th day of December, 2005

IInd Bail application No. 1092 of 2005

Order on the bail application of accused

CRIMINAL SIDE

Pawan S/o Mangeram
R/o Village – Manakpur Adampur,
Police Station – Jhabreda,
District - Haridwar ….. Applicant

Versus

State of Uttaranchal ……Opposite Party

Arising out of case crime No. 79 of 2004
U/Ss 304B, 201 I.P.C. and ¾ Dowry Prohibition Act
Police Station – Jhabreda,
District – Haridwar

Hon'ble J.C.S. Rawat, J.

Heard Ms. Jyotsna, learned counsel for the applicant, learned A.G.A. for the State and perused the record.

The 1st bail application was rejected on 22.06.2005 in which it was found that there was a prima-facie case against the accused-applicant. The accused-applicant moved 2nd bail application on the ground that the chargesheet has been filed and he has annexed the evidence recorded before the court below of PW-1 Shri Swaraj who is the brother of the deceased. PW-2 who was examined before the court below is Omwati, ant of the deceased and Shri Bhopal, niece of the deceased was also examined by the prosecution before the court below. PW-1 Shri Swaraj was the complainant who initiated the proceedings against the accused-applicant under section 304-B. The witnesses, i.e., PW1, PW2 and PW3 have been declared hostile by the prosecution. These witnesses have not stated in their evidence that the deceased was treated cruelly immediately before the death on account of dowry. It is also stated in his evidence that no dowry was demanded by the accused-applicant.

In view of the above facts and circumstances of the case, it is a fit case for bail at this stage.

Let the accused-applicant, Pawan be released on bail on executing a personal bond and furnishing two sureties each in the like amount to the satisfaction of C.J.M. concerned.

(J.C.S. Rawat, J.)